

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARL DAVIS, SR.,

Plaintiff,

v.

R. CLOAK, S. REED, R. VINCENT, W.
WHITLEY, PATRICK EATON, FNU
VALESCO, FNU WHITE, E. CLOAK,

Defendants.

Case No. 1:22-cv-01632-HBK (PC)

ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

ORDER DIRECTING PAYMENT
OF INITIAL FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS

Plaintiff Earl Davis, Sr., a prisoner, initiated this action on December 22, 2022, by filing a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* and submitted a copy of his prison trust fund statement and a Certification from prison officials in support. (Doc. No. 2). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fees as set forth in 28 U.S.C. § 1915. **Plaintiff shall make an initial payment of \$142.00¹ (20% of the greater of the average monthly deposits or average monthly balance). *Id.*, §**

¹ According to the Certification completed by the authorized correctional official, Plaintiff's six-month average monthly balance was \$713.49, and his six-month average monthly deposits was \$213.07. (Doc. No. 2 at 2).

1 **1915(b)(1)(A), (B).** Thereafter, Plaintiff is required to make monthly payments of 20% of the
2 preceding month's income credited to her trust account. The California Department of
3 Corrections shall send the initial \$142.00 payment to the Clerk of the Court and subsequent
4 payments from Plaintiff's inmate trust fund account each time the amount in the account exceeds
5 \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

6 ACCORDINGLY, it is **ORDERED**:


7 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.

8 2. **The Secretary of the California Department of Corrections, or his designee shall**
9 **forward an initial payment of \$142.00 to the Clerk of the Court from Plaintiff's prison trust**
10 **account in accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly**
11 **payments in an amount equal to twenty percent (20%) of the preceding month's income**
12 **credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00,**
13 **in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
14 **forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and
15 number assigned to this action.

16 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's
17 *in forma pauperis* application on the Secretary of the California Department of Corrections, via
18 the court's electronic case filing system (CM/ECF).

19 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
20 Department, U.S. District Court, Eastern District of California.

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22 Dated: January 3, 2023

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24 HELENA M. BARCH-KUCHTA
25 UNITED STATES MAGISTRATE JUDGE
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